

# Notice of Allowability

Application No.

09/858,137

Examiner

Charles E. Cooley

Applicant(s)

LIPP, EBERHARD

Art Unit

1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 7 MAY 2004.
2. ☒ The allowed claim(s) is/are 40-48.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☒ CORRECTED DRAWINGS ( as "replacement sheets" ) must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948 ) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment

8. ☐ Examiner's Statement of Reasons for Allowance
9. ☒ Other \_\_\_\_\_

Drawing sheet  
with Figs. 4-5  
Cancelled

*Charles Cooley*  
Charles E. Cooley  
Primary Examiner  
Art Unit: 1723

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

#### **Amendments to the Specification:**

Delete the paragraph beginning at page 9, line 8 which starts with "For mixing jobs".

Delete the paragraph beginning at page 9, line 12 which starts with "In the process".

Delete the paragraph beginning at page 9, line 21 which starts with "In Figure 4".

#### **Amendments to the Claims:**

Cancel the second occurrence of claim 46 appearing on page 4 of the amendment filed 7 MAY 2004.

### **Amendments to the Drawings:**

CANCEL Figures 4-5 per the amendment filed 9 FEB 2004.

2. The following changes to the drawings have been approved by the examiner:

Figures 4-5 have been cancelled by Applicant per the amendment of 9 FEB 2004 and as noted above. Formal drawings of Figures 1-3 only are required which comply with 37 CFR 1.84 and which incorporate the changes made to Figure 1 in the approved drawing correction filed 28 APR 2003. In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

### ***Remarks***

3. The above changes were made to clarify the amendments made to the specification and drawings. The changes to the specification merely mimic the changes requested by Applicant in the response filed 7 MAY 2004 to cancel the references to deleted Figures 4-5 but in a clearer format to prevent a printer query. The second occurrence of claim 46 is merely a duplicate of the first appearing claim 46 and therefore just a typographical error which is rectified by this amendment. The above changes are therefore only of a clarifying character and none of the above changes are made to overcome the prior art in any respect.

Art Unit: 1723

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E. Cooley whose telephone number is (571) 272-1139. The examiner can normally be reached on Mon-Fri. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Charles Co", with a stylized flourish at the end.

Charles E. Cooley  
Primary Examiner  
Art Unit 1723

19 May 2004